

**REMARKS**

In the Office Action mailed on May 10, 2004, the Examiner noted a potential objection to claims 3-4 and 6-7 under 37 C.F.R. § 1.75 and rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Stokes, U.S. Patent No. 4,870,515. By this Amendment, Applicants have amended claims 1, 5-8, and 11-12 to clarify aspects of the invention and added claims 13-15, taking care not to add any new matter.

*Claim Objections*

In the Office Action, the Examiner alleged that claims 3-4 and 6-7, when allowed, would be objectionable as being substantial duplicates of one another. Applicants note that claim 3 depends from claim 1 and claim 4 depends from claim 2. Therefore, claims 3 and 4 incorporate different recitations by virtue of their claim dependencies and are not substantial duplicates of one another. Furthermore, claim 6 depends from any of claims 1-4 while claim 7 depends from claim 5. Therefore, claims 6 and 7 incorporate different recitations by virtue of their claim dependences and are not substantial duplicates of one another. Accordingly, Applicants request the reconsideration of any potential claim objections under 37 C.F.R. § 1.75.

*Section 102(b) Rejections*

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stokes. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8<sup>th</sup> ed. 2001, revised February 2003). Because Stokes does not disclose all of the elements recited in the amended claim, Applicants request the reconsideration and withdrawal of the section 102(b) rejections.

Claim 1, as amended, recites a music piece data managing apparatus including a data transfer part for transferring reproducing order data to another storage part outside said music piece data managing apparatus. Stokes fails to disclose this claim element. Instead, Stokes discloses a recording device that stores songs, title information and location data onto a recording medium. (Stokes, col. 2, ll. 8-20.) To play the songs, the stored data is transferred into the memory of a playback apparatus that includes keys for selecting a desired order for playback. Once a user selects the playback order on the playback apparatus, the playback apparatus advances the recording medium to play the songs in the selected order. (Id., col. 2, ll. 25-38.) Nothing in the reference teaches transferring reproducing order data to another storage part outside said music piece data managing apparatus, as recited in claim 1. Indeed, because the playback order in Stokes is input directly into the playback apparatus, there would be no need to transfer reproducing order data to another storage part outside said music piece data managing apparatus.

Stokes also fails to teach an apparatus including a display part for displaying a message to prompt an input operation for instructing an order of reproduction of music piece data in combination with a reproducing order generating part for forming reproducing order data to determine an order of reproduction of music pieces based on said input operation. Instead, the reference merely discloses that a user may press keys on a playback apparatus to scroll through songs and select a desired track or tracks for playback. (Stokes, col. 9, ll. 9-20; col. 2, ll. 30-34.) Even if this can be interpreted as an input operation for instructing an order of reproduction of music piece

data, there is no disclosure of forming reproducing order data based on the input operation, as required by claim 1.

For at least the reasons set forth above, Stokes fails to teach each and every element of amended claim 1 and the claims that depend therefrom. Therefore, Applicants request the reconsideration and withdrawal of the section 102(b) rejections of claims 1-6, 11, and 12.

Stokes also fails to teach every element of claim 8. For example, Stokes does not teach a transfer data reading part for reading reproducing order data transferred by a data transfer media. As discussed above, the playback apparatus of Stokes includes keys for selecting a desired order for playback. Once a user selects the playback order on the playback apparatus, the playback apparatus advances the recording medium to play the songs in the selected order. Nothing in the reference teaches reproducing order data that is transferred by a data transfer media. Because the playback order in Stokes is input directly into the playback apparatus, there would be no need to transfer reproducing order data at all.

Furthermore, Stokes fails to teach a reproduction control part for collating the reproducing order data read by said transfer data reading part with management data stored in a storage part. In fact, the Examiner failed to mention this claim element in the Office Action.

For at least these reasons, Stokes fails to disclose each and every element of claim 8 and the claims that depend therefrom. Accordingly, Applicants respectfully

request the reconsideration and withdrawal of the section 102(b) rejections of claims 8-10.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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